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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,414	06/21/2001	Rosa Maria Gomez	60011320-1	5748
7590	01/29/2004		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400				MOUTTET, BLAISE L
		ART UNIT	PAPER NUMBER	2853

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/886,414	GOMEZ ET AL.
Examiner	Art Unit	
Blaise L Mouttet	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 4-27 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The specification should be amended to refer to the US patent application of co-pending applications number rather than the attorney docket number as on page 9, lines 22-26 (if this information is not yet available an amendment to the specification should be provided as soon as the information becomes available).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7, 14-19, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nohata et al. US 6,056,386.

Nohata et al. discloses, regarding claim 1, a method of servicing a pen (5) in an inkjet printing device, said pen (5) comprising a plurality of nozzles (figures 3A, 3B), said method comprising:

receiving a print job (figure 11A, S101, column 17, lines 41-43);

determining a level of print quality (i.e. normal mode vs. economy mode) required for said print job (figure 11A, S102, column 17, lines 44-49), wherein said level of print

quality is based upon a set of flexible criteria (the flexible criteria include desired resolution, desired ink coverage on the page and a setting by user preference as explained in column 3, lines 44-51 and column 17, lines 20-35);

detecting the operating characteristics of a plurality of nozzles to be used to print said print job (figure 11A, S105-S111, column 17, line 61 - column 18, line 55); and

comparing said operating characteristics of said plurality of nozzles to said required level of print quality for said print job (Nb, Ny, Nm, Nc) (S107, S109b, S110b, S111b) and, in the event, based on the comparison, that said operating characteristics of said plurality of nozzles are sufficient to meet said level of print quality, printing said print job (S104, column 18, lines 53-55).

Nohata et al. discloses, regarding claim 14, an inkjet printing device for printing on a medium comprising:

a processor (24) for determining a level of print quality (i.e. normal vs. economy) required for a received print job as shown and described in relation to figure 6 and step 102 of figure 11a, wherein said level of print quality is based upon a set of flexible criteria (the flexible criteria include desired resolution, desired ink coverage on the page and a setting by user preference as explained in column 3, lines 44-51 and column 17, lines 20-35);

an ink drop detector (8) for detecting the operating characteristics of a plurality of nozzles to be used to print said print job as shown and described in relation to figure 4; said processor (24) further being capable of comparing said operating characteristics of said plurality of nozzles to said required level of print quality (S107,

S109b, S110b, S111b), and in the event, based upon the comparison, that said operating characteristics of said plurality of nozzles are sufficient to meet the level of print quality, causing the inkjet printer to print the print job (S104, column 18, lines 53-55).

Regarding claims 2, 4, 5 and 15-18, the set of flexible criteria include resolution (column 17, lines 20-26), a printer mode setting (column 17, lines 44-49) and an amount of media coverage (column 3, lines 44-51).

Regarding claims 6, detecting the operating characteristics of the nozzles includes drop detection by sensor (8) (figure 5, column 12, line 59 - column 13, line 6).

Regarding claims 7 and 19, maintenance is scheduled in the event of faulty nozzles (column 23, lines 1-11).

Regarding claim 26, the printing step (S104) is disclosed within the method without any preceding maintenance procedure (figure 11A and 11B).

Regarding claim 27, the determining step is capable of distinguishing between economy and normal print modes for print jobs as explained in relation to figures 11A and 11B.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 8, 9, 11, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nohata et al. US 6,056,386 in view of Fukazawa et al. US 5,398,054.

Nohata et al. discloses the claimed invention including the specification of performing maintenance (column 23, lines 1-11).

Nohata et al. fails to disclose that the maintenance procedure includes a wiping procedure performed after the pen remains in an idle state for a period of time.

Fukazawa et al. discloses performing a wiping operation of a pen with a rubbing member (wiper) after a period of time that the pen remains idle (figure 6, column 6, line 60 - column 7, line 8, column 7, lines 56-60).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to perform a wiping operation after an amount of idle time as taught by Fukazawa et al. in the maintenance procedure of Nohata et al.

The motivation for doing so would have been to automatically remove ink films from the inkjet pen without user intervention as taught by column 3, lines 47-58 of Fukazawa et al.

4. Claims 9, 10, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nohata et al. US 6,056,386 in view of Gast et al. US 5,583,547.

Nohata et al. discloses the claimed invention including the specification of performing maintenance (column 23, lines 1-11).

Nohata et al. fails to disclose that the maintenance procedure includes a wiping procedure performed after a predetermined number of ink drops has been exceeded.

Gast et al. discloses performing a wiping operation for an inkjet pen after a predetermined amount of ink drops have been exceeded (column 4, lines 63 - column 5, line 4).

It would have been obvious for a person of ordinary skill in the art at the time of the invention to perform the inkjet cleaning operation of Nohata et al. in the event that a predetermined number of ink drops have been exceeded as taught by Gast et al.

The motivation for doing so would have been in order to automatically determine appropriate cleaning intervals to remove ink films from the inkjet pen as taught by column 2, lines 2-5 of Gast et al.

5. Claims 12, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nohata et al. US 6,056,386 in view of Stewart et al. US 5,455,608.

Nohata et al. discloses the claimed invention including the specification of performing maintenance with a sequence of different servicing procedures (column 23, lines 1-11).

Nohata et al. fails to disclose that the maintenance procedure includes performing the recovery based on whether the level of print quality is met or that the servicing is repeatable based on effectiveness.

Stewart et al. discloses performing a maintenance procedure for an inkjet pen based on whether a level of print quality is met and repeating the servicing based on effectiveness as shown and described in relation to figure 8.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to perform maintenance as taught by Stewart et al. in the maintenance of Nohata et al.

The motivation for doing so would have been to achieve improved elimination of clogged nozzles as taught by column 1, lines 27-51 of Stewart et al.

Allowable Subject Matter

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed October 30, 2003 have been fully considered but have been unpersuasive regarding the allowability of the rejected claims.

The applicant has argued that the rejections utilizing Nohata is improper because Nohata does not detect the operating characteristics of ink nozzles but rather detects ink level.

The examiner disagrees.

It is clear from the disclosure of Nohata that ink drops are detected in order to determine a normal discharge status of ink nozzles. A determination of normal discharge characteristics of the nozzles correspond to **both** a nozzle being unclogged and having sufficient ink to print (see column 14, lines 64-67 of Nohata). Both of these

characteristics are seen as operating characteristics of the nozzle within the scope of applicant's claims.

The applicant has argued the merits of the amendment specifying that the print quality is based on "flexible criteria".

The examiner fails to see how this distinguishes applicant's invention from that of Nohata since the set quality of Nohata is based on a desired resolution and print coverage determined by a user which are similar criteria as that defined by applicant as being flexible. See column 3, lines 44-51 and column 17, lines 20-35 of Nohata.

The examiner agrees as to the allowability of amended claim 3 if written in independent form including all of the limitations of the base claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (703) 305-3007 (before February 11, 2004) or (571) 272-2150 (after February 11, 2004). The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (703) 308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet January 23, 2004

Bm 1/23/2004

Blaise Mouttet
Primary Examiner 2853
1/25/04